

Working with Children Check

Exemptions guide

Are you exempt from the Working with Children Check?

The *Working with Children Act 2005* (the Act), explains the situations in which people doing child-related work are exempt and do not need a Working with Children Check (Check). These exemptions are summarised below.

You may find you are exempt for one type of child-related work, but not for another. In this circumstance, you will need to obtain a Check.

The following exemptions do not apply to people who have failed the Check and been served with a Negative Notice. For details, go to 'Failing the Check' on the website.

Children

People under 18 years of age are exempt from the Check.

Example: David is 17 years old and a member of his local scout group. David leads a younger group of scouts but, because he is under 18 years of age, he does not need a Check.

However, under the *Child Employment Act 2003*, this exemption does not apply to people under 18 years of age who supervise employees under the age of 15.

Some student volunteers

Students aged 18 or 19 years of age do not need a Check to do volunteer work organised by, or held at, their educational institution.

Example: Khalil is an 18-year-old student at Smithtown Secondary College. He leads a peer support group of Year 7 students organised by the school. Because Khalil's volunteer work is at his school, he does not need a Check.

Parents volunteering in the same activity as their child

Parents are exempt and do not need a Check to volunteer in the same activity their child is participating, or normally participates in.

Example: Emily has volunteered to make costumes for her daughter's school play. Because Emily's daughter normally participates in the play, Emily does not need a Check, even if her daughter does not attend all the play rehearsals or performances.

Family members and close relations of children (with the exception of kinship carers)

If you are closely related to each child you work with, and are not a kinship carer, you do not need a Check. Closely related to a child means:

- spouse or domestic partner
- parent, step-parent, mother-in-law or father-in-law
- grandparent
- uncle or aunt
- brother or sister, including half sibling, step sibling, brother in-law or sister-in-law.
- In the case of domestic partners, a person who would be closely related to the child if the domestic partners were married to each other.

Example: Thuy does not need a Check as she is paid to teach her niece piano.

This exemption does not apply if you are a kinship carer. A person who engages in kinship care work must hold a Check. A person is engaged in kinship care if:

- the person is a family member or another person of significance to a child; and
- the child is or has been placed in the out of home care of that person under the *Children, Youth and Families Act 2005*.

Example: Child Protection has placed nine year old Lucy in the care of her uncle, John. This arrangement is called kinship care. Even though John is closely related to his niece, he is still required to obtain a Check because he is a kinship carer in accordance with the above definition.

Teachers

If you're a teacher with the Victorian Institute of Teaching (VIT) you are exempt from the Check. However, if your VIT registration is suspended or cancelled, the exemption no longer applies.

Although you don't need a Check, if you're a registered teacher and do any child-related work that is not teaching in a school or an early childhood service, you will need to notify WWCCV by completing the Teacher notification form which is available on the Service Victoria website.

Example: Claire is a VIT-registered teacher. She volunteers to coach children at a local chess club. She does not need a Check to do this volunteer work. However, as this child-related work is not teaching in a school or early childhood service, Claire must notify WWCCV within 21 days after commencing that work.

Police officers

Victoria Police officers and Australian Federal Police (AFP) officers are exempt from the Check.

Example: Roger is an AFP officer who volunteers with an under-15s hockey team. He does not need a Check.

However if the officer is suspended or dismissed from Victoria Police or the AFP, they are no longer exempt and must apply for a Check. They must notify in writing every organisation that engages them in child-related work within seven days of the suspension or dismissal.

Visitors from another Australian state or territory doing child-related work in Victoria

Visitors who normally live outside Victoria and hold an equivalent Check from their home State/Territory, you can do child-related work in Victoria without a Check for a maximum of 30 days in a calendar year, which can comprise one or several events or occasions.

Visitors who normally live outside Victoria and don't hold an equivalent Check from their home State/Territory, can do child-related work in Victoria without a Check on only one occasion or event per calendar year, which may last for a maximum of 30 days.

More Information

Website www.workingwithchildren.vic.gov.au

Email workingwithchildren@justice.vic.gov.au

Customer Support Line 1300 652 879
8.30am – 5pm, Monday – Friday (except public holidays)



If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Working with Children Customer Support Line.

TTY 13 36 77

Speak & Listen 1300 555 727

This information is intended as a general guide only. It is not intended to be given as legal advice and should not be relied upon as such. It is recommended that you obtain legal advice relevant to your particular circumstances.